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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,909	11/30/2000	Robert Denton Silfvast	P514	3696

24739 7590 11/03/2005

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EXAMINER

GRIER, LAURA A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/727,909

Applicant(s)

SILFVAST ET AL.

Examiner

Laura A. Grier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-24, 29-34, 36 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-24, 29-34, 36 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

1. The indicated allowability of claims 35 (now cancelled) and 40 is withdrawn in view of the newly discovered reference(s) to Carey et al.. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 20-24, 29-34, 36, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Carey et al., Pub. No. US20020112035.

Regarding **claims 20 and 32 and 39**, Carey et al. (herein, Carey) discloses system and method for performing content experience management. Carey's disclosure provides a system for managing the storage, transferring and distribution of audio data (including audio sound effects) to electronic devices via local and/or wide area networks (Internet, Ethernet, etc.) – paragraphs 0012, 0036, 0038, 0147, 149 - abstract. Carey's disclosure comprises a content server (112) coupled to a content files database (110), which reads on a database storage repository and/or a network source (claim 32) - (paragraphs 0055, 0144); a client server (114), which reads on a data server (paragraph 0057); the user may use a PC or any like device

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(paragraph 0058, 1153), wherein the pc or computer system may be in communication with an external device – which constitutes as an electronic device - (paragraphs 0146 and 0248), as well the PC itself can be constitute as an electronic processing device, which reads on an Internet – host computer and user operating the electronic processing device connecting the host computer for internet connection by the electronic device and downloading to the electronic device.

Regarding claims 21 and 33, Carey discloses everything claimed as applied above (see claim 20 and 32, respectively). Carey discloses the audio data being transferred between servers and an end user via computer systems or like and via the Internet network.

Regarding claim 22, Carey discloses everything claimed as applied above (see claim 20). Carey discloses the communication links and/or interfaces as the communication means between the PC the external device (electronic device), which indicates serial connections.

Regarding claim 23-24, Carey discloses everything claimed as applied above (see claim 22). Carey discloses the communication links and/or interfaces as the communication means between the PC the external device (electronic device), which indicates serial connections, wherein the communications means or links may wired using coaxial cable, etc.) – claim 24, or wireless communication links – claim 23 (paragraph 0254).

Regarding claims 25-31, Carey discloses everything claimed as applied above (see claim 22). Carey discloses the use of the audio application being used as plug-ins (paragraph 0132 and Table 3.8.1), which provides inherency the plug-ins may used by the electronic device and as evident by the use of the various memories being used to store the download audio data for various applications in various devices (figure 7-paragraphs 0246-0248).

Regarding claim 34, Carey discloses everything claimed as applied above (see claim 32). Carey discloses the end user being to use a PC or the like to download that audio data, which indicates initiation by a host computer.

Regarding claim 34, Carey discloses everything claimed as applied above (see claim 32). Carey discloses a content server (112) coupled to a content files database (110), and a client server (114), wherein the user may use a PC or any like device (paragraph 0058, 1153) the download audio data via the Internet utilizing web pages, browsers (paragraph 0161-0162, and 0242).

### ***Response to Arguments***

Applicant's arguments with respect to claims 20-24, 29-34, 36 and 40 have been considered but are moot in view of the new ground(s) of rejection.


The applicant essentially provided remarks in respect the amend claim language based upon indicate allowable subject matter. However, upon further search and consideration, a new rejection has been provided in anticipation of Carey et al. The Carey et al. discloses a system with manages, transfers, stores, and distributes audio data, which includes audio or sound effects that may utilized by various electronic components based upon the desired need by the user. The audio data is transferred from a remote server via the Internet between computers and/or other de that may used or preferred by an end user. The audio data may stored or transferred to many various forms of memory for differently desired audio applications.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A Grier  
Primary Examiner  
Art Unit 2644  
October 28, 2005